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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,608	01/09/2002	Seiji Yamaguchi	15190	7027
7590 Scully, Scott, Murphy & Presser 400 Garden City Plaza Garden City, NY 11530			EXAMINER GOTTSCHALK, MARTIN A	
			ART UNIT 3696	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/042,608

**Applicant(s)**

YAMAGUCHI ET AL.

**Examiner**

MARTIN A. GOTTSCHALK

**Art Unit**

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Notice to Applicant***

1. Claims 1-27 have been examined.

### ***Election/Restrictions***

2. Applicant's election with traverse of claims 1-20, 23, 24, and 27 (Group I) in the reply filed on 07/14/2008 is acknowledged. The traversal of is on the ground(s) that Groups I and II are both directed to a medical practice information searching system to search for medical practice information of a medical institution. This is not found persuasive because claims 21 and 22 of Group II include components and steps not included in claims 1 and 20 of Group I, for example the input and transmission of medical practice information from two separate medical institutions. The two groups are usable as described in the restriction requirement, thus the requirement is still deemed proper, and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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4. Claims 1-20, 23, 24, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Joao (US Pat# 6,283,761, hereinafter Joao).

**As per claims 1, 9, 18, and 20**, Joao discloses a medical practice information storage and searching system (Joao: [0009]) comprising:

a medical practice information storage unit for receiving attribute information and medical practice information of a plurality of medical institutions from the plurality of medical institutions through a communication line (Joao: col 17, lns 31-61; Figs 1 and 2, item 10H; col 19, lns 40-46; col 24, lns 49-62);

a searching criteria receiving unit for receiving, through the communication line, searching criteria in accordance with which the attribute and medical practice information stored in the medical practice information storage unit is searched for (Joao: col 24, ln 63 to col 25, ln 40; Figs 7A and 7B);

and

an information delivery unit for searching for the attribute and medical practice information in the medical practice information storage unit in accordance with the searching criteria received by the searching criteria receiving unit, and for

delivering the searched medical practice information through the communication line (Joao: col 25, ln 40 to col 26, ln 40; Figs 7A and 7B).

**As per claim 2**, Joao discloses a medical practice information storage and searching system according to claim 1, further comprising:

a medical institution information storage unit for receiving medical institution information, identifying a particular medical institution from among the plurality of medical institutions, from the plurality of medical institutions through the communication lines (Joao: col 17, lns 31-61; Figs 1 and 2, item 10H; col 19, lns 40-46; col 24, lns 49-62);

a medical institution searching criteria receiving unit for receiving, through the communication line, searching criteria in accordance with which the medical institution information stored in the medical institution information storage unit is searched for (Joao: col 24, ln 63 to col 25, ln 40; Figs 7A and 7B);

and

a medical institution information delivery unit for searching for the medical institution information in the medical institution information storage unit in accordance with the searching criteria received by the medical institution

searching criteria receiving unit, and for delivering the searched medical institution information through the communication line (Joao: col 25, ln 40 to col 26, ln 40; Figs 7A and 7B);

**Note:** Several of the following claims recite the same three general components of claims 1 and 2, namely

- i. an information storage unit
- ii. a searching criteria receiving unit, and
- iii. an information delivery unit

associated with a specific feature. In the following rejections of the claims, rather than repeating the entire language of the claim, the specific feature will be listed, and relevant passages will be provided. Note further that the reference discloses a computerized system, thus it should be presumed that the information concerning the specific feature is stored, searchable, and deliverable by the features taught by the reference mentioned for claims 1 and 2 above.

**As per claim 3,** Joao discloses the medical practice information storage and searching system according to claim 2, further comprising:

geographic information(Joao: col 17, lns 13-24, Fig 2, item 10H).

**As per claim 4**, Joao discloses a medical practice information storage and searching system according to claim 1, further comprising:

request acceptance information (Joao: col 25, Ins 10-40; Fig 7A).

**As per claim 5**, Joao discloses a medical practice information storage and searching system according to claim 1, further comprising:

personal information (Joao: col 16, Ins 42-65).

**As per claim 6**, Joao discloses a medical practice information storage and searching system according to claim 1, further comprising:

transport information (Joao: col 24, Ins 49-62; Fig 1).

**As per claim 7**, Joao discloses a medical practice information storage and searching system according to claim 1, further comprising:

food-service company information (Joao: col 19, Ins 40-53; col 24, Ins 44-48; col 26, Ins 20-40; Figs 7A and 7B).

**As per claim 8**, Joao discloses a medical practice information storage and searching system according to claim 1, further comprising:

life insurance information (Joao: col 16, lns 33-65).

**As per claim 10 and 12**, Joao discloses a medical practice information storage and searching system according to claim 9, wherein the medical service record information storage block stores

patient count information (Joao: col 17, ln 62 to col 18, ln 20; col 31, ln 65 to col 32, ln 28).

**As per claim 11**, Joao discloses a medical practice information storage and searching system according to claim 9, wherein the medical service record information storage block stores

operation count information (Joao: col 17, lns 25-61; col 30, ln 48 to col 31, ln 10).



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**As per claim 13**, Joao discloses a medical practice information storage and searching system according to claim 9, wherein the medical service record information storage block stores

complete cure rate information (Joao: col 17, lns 25-61).

**As per claim 14**, Joao discloses a medical practice information storage and searching system according to claim 1, wherein the medical practice information storage unit comprises

study result information (Joao: col 17, lns 25-61).

**As per claim 15 and 16**, Joao discloses a medical practice information storage and searching system according to claim 1, wherein the medical practice information storage unit comprises

medical staff information (Joao: col 17, lns 13-24).

**As per claim 17**, Joao discloses a medical practice information storage and searching system according to claim 15, wherein the medical staff information storage block stores

physicians' career information (Joao: col 30, lns 63-67).

**As per claim 18**, it is rejected for the same reasons provided above for claim 1.

**As per claim 19**, Joao discloses a medical practice information storage and searching system according to claim 1, wherein the medical practice information storage unit comprises

medicine information (Joao: col 17, lns 25-61).

**As per claims 23 and 24**, Joao discloses the medical practice information storage and searching system as set forth in claim 1, wherein the attribute information of the plurality of medical institutions includes

local area information and type information (Joao: col 17, lns 13-61--24).

**As per claim 27**, Joao discloses the medical practice information storage and searching system as set forth in claim 1, further comprising:

a plurality of local area information servers for handling local-area information, connected to a communication network (Joao: col 14, ln 49 to col 15, ln 53);

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and

a general information management server that exchanges information with the plurality of local-area information servers to manage information (Joao: col 13, In 29 to 38);

wherein the plurality of local-area information servers are each connected to homes (Joao: col 14, In 49-53) that subscribe to a public communication provider through a public communication line such as a cable (Joao: col 40, Ins 60-67) said local-area information servers connected as well to a local community medical institution group that comprises at least a general hospital or other community healthcare services provider (Joao: col 13, Ins 52-57), and pharmaceutical provider (Joao: col 19, In 40-45) in order to exchange information therewith via a dedicated line;

and

wherein the general information management server exchanges information with the plurality of local-area information servers via the public communication line

(Joao: col 15, ln 25-47), exchanges information with a plurality of transports via a dedicated line (Joao: col 24, lns 49-62, Fig 1);

and

opens a homepage on the communication network to make available a variety of medical information relating to the local community medical institution group (Joao: col 15, lns 18-25 and 59-65; col 20, lns 28-33) and transport information derived from the plurality of transports obtained by the local-area information servers (Joao: col 24, lns 49-62; Fig 1).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARTIN A. GOTTSCHALK whose telephone number is (571)272-7030. The examiner can normally be reached on Mon - Fri 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. A. G./  
Examiner, Art Unit 3696

/Ella Colbert/  
Primary Examiner, Art Unit 3696